

## **REMARKS / DISCUSSION OF ISSUES**

The present amendment is submitted in response to the Non-Final Office Action mailed November 9, 2009. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

### ***Status of the Claims***

Upon entry of the present amendment, claims 1-17 and 19-23 will remain pending in this application. Claim 18 has been cancelled without prejudice or disclaimer. Claims 1-17 and 19-20 have been amended for one or more non-statutory reasons, for example to correct one or more informalities or obvious errors, remove figure label numbers, remove unnecessary limitations, and /or replace European claim phraseology with U.S. claim language having the same meaning. The claims are not believed to be narrowed in scope and no new matter is added.

### ***Interview Summary***

Applicants appreciate the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Tuesday, June 15, 2010. During the telephonic interview, a proposed amendment to Claim 1 was presented. The Examiner indicated that claim 1 as presented would not overcome the cited art, however, the Examiner offered some suggestions for possible claim amendments for consideration that would at least overcome the presently cited art.

### ***Drawing Objection***

In the Office Action, the drawings were objected to for failing to comply with 37 CFR 1.83(a) because the claim 18 recitation – “the reflecting layer above the light dependent device is formed at the level of the bottom electrode” is not shown. The Office states that this feature must be shown or the feature cancelled from claim 18. Claim 18 has been cancelled without prejudice or disclaimer.

***Rejections under 35 U.S.C. §112, first paragraph***

Claim 18 stands rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Claim 18 has been cancelled without prejudice or disclaimer.

***Rejections under 35 U.S.C. §112, second paragraph***

The rejection of claim 7 is understood to be based on the premise that the limitation, “a first angle” does not include an explanation as to what the first angle represents or if it is a first angle to the normal or what reference points it’s based off of, making the claim indefinite. Applicants respectfully refer the Examiner to the explanation provided in Applicant’s previous response, in which it was noted that the “first angle” stands for the greatest angle, with respect to the normal to the LED, at which light can leave the LED device and be seen by the viewer. Light at angles greater than the “first angle” are totally internally reflected and remain within the LED. Near the edge of the LED light emitted at an angle greater than this first angle is then able to fall upon a strategically positioned sensor.

The rejection of claims 9-11, 14, 19 and 20 is understood to be based on the premise that “printing dams” is not clearly defined in either the claims or the specification. Therefore it is unclear what the Applicant is claiming by using that limitation. Applicants respectfully refer the Examiner to the explanation provided in Applicant’s previous response in which it was noted that the term “printing dams” is specific to polymer OLED devices which are in a liquid state when printed onto the display substrate, therefore the different colors need a physical barrier to prevent them from mixing, hence the term “printing dam”. Applicants suggest that the term may be changed to “color separation dams” to be inclusive of standard OLED devices, i.e., to separate the individual RGB OLED devices. Fig. 13 (78) of Applicant’s specification illustrates these “printing dams” and they are described in the specification at least on page 15, line 22.

The rejection of claim 12 is understood to be based on the limitation “lower resistance” does not state what it is lower than, and is therefore unclear. Applicants respectfully refer the Examiner to the explanation provided in Applicant’s previous response in which it was noted

that the transparent materials, such as ITO, have a high resistivity, e.g., between 10 and 100 ohms/square. Envisaged metals for use as a shunt are contemplated to have a resistivity of 0.1 ohms/square or less.

### ***Claim Rejections under 35 USC 102***

In the Office Action, Claims 1-3 and 23 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent Application No. 2003 / 0047736 (“Hayashi”). Applicants respectfully traverse the rejections.

### ***Claims 1-3 and 23 are allowable***

In the Office Action, the Examiner notes at page 2, paragraph 3 of the Response to Arguments that Applicant argues that while Applicant’s explanations clarify the claim limitations, the claims still remain indefinite, without further description or explanation in the claim language. In response, Claim 1 has been further amended herein to more clearly and precisely define Applicant’s invention over Hayashi. Claim 1 now recites limitations and/or features which are not disclosed by Hayashi. Therefore, the cited portions of Hayashi do not anticipate claim 1, because the cited portions of Hayashi do not teach every element of claim 1. For example, the cited portions of Hayashi do not disclose or suggest, *“a light-dependent device for detecting the brightness of the display element, wherein the light-dependent device is located laterally outside of the area of the light emitting material defined by the vertical planar edges of the light emitting layer of the light emitting material and separated from the light emitting material by at least one insulating layer, wherein the vertical planar edges of the light emitting material are defined in a direction between a top and a bottom electrode of the light-dependent device”*, as recited in claim 1.

In contrast to claim 1, Hayashi merely describes a light emitting system comprising a lower electrode 13 formed on a substrate 10, and a light emitting material layer 12 formed on the lower electrode 13. An upper electrode 11 is formed on the light emitting material layer 12, so that a light emitting element 4 is constituted. **A light sensor 1 is provided on top of the light emitting element 4 to one side.** See Hayashi, pars. 73–75. However, Hayashi does not show that the light-dependent device is located laterally outside of the area of the light

emitting material defined by the vertical planar edges of the light emitting layer of the light emitting material. Instead, Hayashi shows that the light-detecting element (1) is located in the same vertical plane as the light-emitting element (12). That is, the light detecting element is located inside of the leftmost and rightmost vertical planar edges of the light emitting layer (12). Further, Hayashi does not show the light-dependent device being proximally separated from the light emitting material in a vertical plane by at least one insulating layer. Instead, Hayashi illustrates the light-detecting element (10 being separated from the light-emitting element (12) by upper electrode (11).

Hence claim 1 is allowable. Claims 2-3 and 23 depend from independent Claim 1, which Applicants have shown to be allowable. Accordingly, claims 2-3 and 23 are also allowable, at least by virtue of their dependency from claim 1.

### ***Rejection under 35 USC 103***

#### ***Claim 4 is allowable***

The Office has rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Hayashi in view of U.S. Patent No. 5,751,261 (“Zavaracky”). Applicants respectfully traverse the rejection.

As explained above, the cited portions of Hayashi do not disclose or suggest each and every element of claim 1 from which claim 4 depends. Zavaracky does not disclose each of the elements of claim 1 that are not disclosed by Hayashi. For example, the cited portions of Zavaracky fails to disclose or suggest, *a light-dependent device for detecting the brightness of the display element, wherein the light-dependent device is located laterally outside of the area of the light emitting material defined by the vertical planar edges of the light emitting layer of the light emitting material and separated from the light emitting material by at least one insulating layer, wherein the vertical planar edges of the light emitting material are defined in a direction between a top and a bottom electrode of the light-dependent device*”, as recited in claim 1. Zavaracky is merely cited for teaching a display comprising a photodiode wherein

the top contact terminal extends over the top of the stack and down one side of the stack and acts as a light shield to pixels on the one side of the photodiode.

Thus, the cited portions of Hayashi and Zavaracky, individually or in combination, do not disclose or suggest at least one element of claim 1. Hence claim 1 is allowable. Claim 4 depends from independent Claim 1 and therefore contains the limitations of Claim 1 and is believed to be in condition for allowance for at least the same reasons given for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claim 4 is respectfully requested.

***Claims 5-8, 15-18 and 21-22 are allowable***

The Office has rejected claims 5-8, 15-18 and 21-22 under 35 U.S.C. §103(a) as being unpatentable over Hayashi in view of U.S. Patent Application No. 2003/0047736 (“Forrest”). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Hayashi do not disclose or suggest each and every element of claim 1 from which claims 5-8, 15-18 and 21-22 depend. Forrest does not disclose each of the elements of claim 1 that are not disclosed by Hayashi. For example, the cited portions of Forrest fails to disclose or suggest, *“a light-dependent device for detecting the brightness of the display element, wherein the light-dependent device is located laterally outside of the area of the light emitting material defined by the vertical planar edges of the light emitting layer of the light emitting material and separated from the light emitting material by at least one insulating layer, wherein the vertical planar edges of the light emitting material are defined in a direction between a top and a bottom electrode of the light-dependent device”*, as recited in claim 1.

Thus, the cited portions of Hayashi and Forrest, individually or in combination, do not disclose or suggest at least one element of claim 1. Hence claim 1 is allowable. Claims 5-8, 15-18 and 21-22 depend from independent Claim 1 and therefore contains the limitations of Claim 1 and is believed to be in condition for allowance for at least the same reasons given

for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 5-8, 15-18 and 21-22 is respectfully requested.

***Claims 9-11 and 19-20 are allowable***

The Office has rejected claims 9-11 and 19-20 under 35 U.S.C. §103(a) as being unpatentable over Hayashi in view of Forrest and further in view of U.S. Patent Application No. 2001/0026125 (“Yamazaki”). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Hayashi and Forrest do not disclose or suggest each and every element of claim 1 from which claims 9-11 and 19-20 depend. Yamazaki does not disclose each of the elements of claim 1 that are not disclosed by Hayashi and Forrest. For example, the cited portions of Yamazaki fails to disclose or suggest, “*a light-dependent device for detecting the brightness of the display element, wherein the light-dependent device is located laterally outside of the area of the light emitting material defined by the vertical planar edges of the light emitting layer of the light emitting material and separated from the light emitting material by at least one insulating layer, wherein the vertical planar edges of the light emitting material are defined in a direction between a top and a bottom electrode of the light-dependent device*”, as recited in claim 1.

Thus, the cited portions of Hayashi, Forrest and Yamazaki, individually or in combination, do not disclose or suggest at least one element of claim 1. Hence claim 1 is allowable. Claims 9-11 and 19-20 depend from independent Claim 1 and therefore contains the limitations of Claim 1 and is believed to be in condition for allowance for at least the same reasons given for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 9-11 and 19-20 is respectfully requested.

**Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-17 and 19-23 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



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